

Joint Multi-council Subcommittee Evaluating Fish and Wildlife Violations/Fines

Minutes of September 4, 2019 Meeting, held in the Waste & Hazardous Substances Conference Room, 89 Kings Highway, Dover, DE 19901

Attendees:

Wes Townsend, Advisory Council on Tidal Finfisheries, Chair

Marvin Kahl, Advisory Council on Tidal Finfisheries

Lou Papp, Advisory Council on Tidal Finfisheries – Volunteer appointed by Chair

Captain Brian Pollock, Delaware Division of Fish & Wildlife, Enforcement Section

John Clark, Delaware Division of Fish & Wildlife, Fisheries Section

The meeting was called to order at 5:05 PM by Chair Townsend

Chair Townsend summarized the August organizational meeting.

Review the Violation Processes of other States and Federal Agencies: The Subcommittee examined the processes of Maryland, Virginia and NOAA Fisheries. Captain Pollock explained the tiered violation processes used by those enforcement agencies. In addition to the tiered process, the process in Maryland and some other states also allows a fisherman charged with a violation to either pay the fine or contest the charge in court, but if the fisherman loses in court, the cost of the fine is increased to higher level than if the charge was uncontested.

Discuss Revisions to Delaware's Violation Process: The Subcommittee discussed the many factors to be considered and many steps to be taken to develop and implement a tiered violation process in Delaware. The laws that define fishing violations and specify the penalties are in several different chapters of the Delaware Code, so the Subcommittee agreed that it would be best to approach the revisions one chapter, or even one section of a chapter, at a time as there may not be a single approach that will work for all the chapters. The Subcommittee agreed that the tiered approach might work better based on the number of units over the legal limit for gear (e.g. base the tiers on number of pots fished above the limit), while the proportion illegal might work better for catch (e.g. the percent of undersize crabs in the catch). The Subcommittee decided that the Code pertaining to recreational shellfish violations would serve as the Subcommittee's first attempt to draft a revision to the violations process.

Agenda Items for Next Meeting: The Subcommittee will discuss revising the process for recreational shellfish violations.

The next meeting is scheduled to be held on October 22, 2019 at 5 PM in a conference room in DNREC Headquarters.

The meeting adjourned at 6 PM.